

REMARKS

Claims 1-7, 9-14, 16-19, 21-24, 26-31 and 32-34 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-7, 9-14, 16-19, 21, 22, 24, 26-28 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Bowen patent (U.S. Pat. No. 6,464,608). This rejection is respectfully traversed.

Applicant reiterates its position that the Examiner has misinterpreted the relevance of the Bowen patent in regard to each of the independent claims, which have been amended to further clarify the distinctions. In particular, FIG. 2 of the Bowen patent illustrates a transfer case (20) having:

- a) an input shaft (74);
- b) a rear output shaft (50);
- c) a front output shaft (40);
- d) a transfer unit (60) having a first sprocket (90) fixed for rotation with rear output shaft, a second sprocket (92) rotatably supported on front output shaft (40), and a chain (94);
- e) an input clutch (52) for coupling input shaft (74) to rear output shaft (50);
- f) a first gearset (58) having a first input (112) and a first output (116,84),
- g) a second gearset (56) having a second input (82) driven by the first output (116,84) and a second output (88) driving both the rear output shaft (50) and the transfer unit (60);

- h) a transfer clutch (62) for coupling transfer unit (60) to front output shaft (40); and
- i) an electric motor (22) for driving the first input (112).

As such, the Bowen patent teaches that the powertrain (12,14) and electric motor (22) **BOTH** are operable to drive the rear output shaft while the transfer clutch (62) is the only means of transmitting drive torque to the front output shaft.

In contrast, the Applicant's invention, as claimed, permits the electric motor to drive the front wheels independently of the drive torque transferred by the powertrain to the rear wheels. In fact, this distinction was noted in your Notice of Allowance in the parent case (now U.S. Patent No. 6,648,785). Accordingly, the Bowen patent does not function to anticipate or render obvious the novel arrangement now claimed.

Finally, in Paragraph No. 6 of the Office Action, the Examiner comments on the arguments presented by the Applicant in its 09/30/04 Responsive Amendment. In response to the Examiner's comments, the claim amendments provided herein address the Examiner's claim interpretation and clearly distinguish the claims over any interpretation or application of the Bowen '608 patent.

The allowability of dependent claims 23, 24 and 31 is acknowledged. As such, new independent Claim 32 is directed to the allowable combination of Claims 22 and 23, new independent Claim 33 is directed to the allowable combination of Claims 19 and 29, and new independent Claim 34 is directed to the allowable combination of Claims 21 and 31.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1240.

Respectfully submitted,

Dated: February 16, 2005

By: 

Philip E. Rettig, Reg. No. 34,000

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

PER/lkb